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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,071	12/17/2001	Henricus Antonius Wilhelmus Van Gestel	NL000699	3723
24737	7590	10/06/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				KNEPPER, DAVID D
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510				
				ART UNIT
				PAPER NUMBER
				2654

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/023,071	VAN GESTEL, HENRICUS ANTONIUS WILHELMUS
	Examiner	Art Unit
	David D. Knepper	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2002.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 December 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>17 May 2002</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

1. Applicant's correspondence filed on 17 May 2002 (IDS – all documents considered) has been received and considered. Claims 1-9 are pending.

Priority Claims

2. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Claims

3. Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“Causing at least part of the interaction with the user to take place substantially in the associated language” seems to be nothing more than an obvious statement to indicate that the invention will operate if the user speaks a single language. However, this seems to contradict the rest of the claim elements which require some recognition of the user’s speech in order to recognize and set the language. This conflict implies that it is obvious to recognize speech in one or more languages regardless of the method employed.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Ramesh (Language Identification With Embedded Word Models).

As per claim 1, “an electronic device using speech” is taught by his applications in which people are likely to speak certain characteristic words or phrases, page 1887, bottom left:

“establishing a language attribute” (his information about the language that is being spoken, page 1887, bottom left);

“causing at least part of the interaction with the user to take place substantially in the associated language” (the words that mean certain things...speaking a subset of their language);

“receiving speech input from the user” (inherent in speech recognition);

“recognition at least one voice command” (suggested by his task-specific keywords, page 1888, upper left, which could only mean that the user is saying one or more words in order to command the system to perform a particular task); and

“setting the language attribute according to the second function of the recognized command” (his teaching that ‘language identification via speech recognition’: one all words are known, identifying the language is easy).

It is noted that the terminology of Ramesh is not the same as the claim language. However, reading it in context indicates that it has similar meaning as noted above. The use of “command” words are considered obvious in view of Ramesh’s use of keywords noted above because any system trained to accept “commands” must treat the command words as the most important words spoken. Thus, a command is going to be a key (most important) word.

Claims 2-9 are rejected under similar arguments as applied above. The teachings of Ramesh appear to encompass the claims as stated. For example, he addresses the unconstrained problem: identify the language spoken by any person, talking about any topic (page 1887, left). He then recognizes that It should be simpler, therefore, to distinguish this small ‘restricted-domain’ subset of language from other languages, than to recognize the language pertaining to any topic (page 1887, upper right). Thus, he clearly teaches that it will be expected to more easily identify a secondary attribute (“second function”) such as “language” (see page 1889 and tables 1-4) by limiting vocabulary words to a subset such as particular “voice commands” as claimed.

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Singhai (5,675,705), McAllister (5,553,119) and Hashimoto (4,916,730 & 4,866,755) are cited to show that it is well known to recognize language in combination with speech in a variety of applications.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

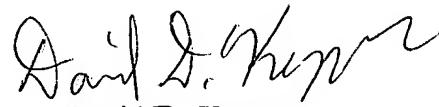
TC2600 Fax Center
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper
Primary Examiner
Art Unit 2654
September 30, 2004